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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,468	03/26/2004	Hidefumi Sakata	119301	7646

25944 7590 10/28/2005

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EXAMINER
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SEVER, ANDREW T

ART UNIT	PAPER NUMBER
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2851

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/809,468	<b>Applicant(s)</b> SAKATA, HIDEFUMI	
	<b>Examiner</b> Andrew T. Sever	<b>Art Unit</b> 2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 1-11, 17, 18 and 23-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-16 and 19-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/2004, 9/2004, 1/14 - 2005</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 1-11, 17, 18, and 23-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 8/12/2005.

2. Applicant's election with traverse of Species VI (claims 12-16 and 19-22) in the reply filed on 8/12/2005 is acknowledged. The traversal is on the ground(s) that that all species are sufficiently related that a search of one species would encompass the others; no serious burden on the examiner. This is not found persuasive because the claims/species do not overlap, in fact claim 1 is directed more towards a controller for light sources (classified at 353/85) rather than the wave combining unit (classified at 353/31) of claim 12, these are clearly separate inventions that require divergent searches.

The requirement is still deemed proper and is therefore made FINAL.

***Specification***

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 12-16 and 19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Roddy et al. (US 6,762,785.)

Roddy teaches in figure 6 a lighting device comprising:

A light source device that includes first (12bg) and second light sources (12g) that emit first and second illumination lights, respectively, each of which has a peak wavelength different from each other (see figure 2 which teaches the wavelengths of the various light sources, the 12bg source is at 488nm while the green emitter is at 514nm);

A wave combining unit (19) that combines the first and the second illumination lights when the first and the second illumination lights are incident on the wave combining unit, and emits illumination lights combined; and

A polarization converter (17) that converts the second illumination light to a linearly polarized light in a predetermined direction to allow it to enter the wave-combining unit.

*With regards to applicant's claims 13-15:*

The wave-combining unit 19 is a dichroic mirror, which is a combining element that transmits and reflects light wherein the wavelength 514nm is reflected while the wavelength 488nm is transmitted. Inherently these two wavelengths must be within the difference generation range for their respective reflection or transmission.

*With regards to applicant's claim 16:*

The first and second light sources are solid-state light sources (LEDs see column 7 line 16.)

*With regards to applicant's claim 19:*

The first and second illumination lights correspond to green light.

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*With regards to applicant's claims 20-:*

Although Roddy is specifically a printer for printing on photosensitive material, the structure of Roddy is that of a projector and an optical type printer as taught by Roddy, can be considered to be a type of projector. Part 110 is a projection lens; part 32 is a light modulator. See above for the other claim limitations.

*With regards to applicant's claim 21:*

12B and 12R are third and forth-light sources belong to blue and red colors of light respectively.

*With regard to applicant's claim 22:*

The modulator is specified in column 8 lines 20-38.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 2003/0214633 to Roddy et al. teaches in figure 5 a lighting device and projector that includes LED light sources having similar wavelengths (12bg and 12g).

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US 6,779,892 to Agostinelli et al. teaches in figure 16 a projection device similar to the Roddy et al. devices.

US 4,127,322 to Jacobson et al. teaches in figure 4 a projector having more than 3 light sources.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew T. Sever whose telephone number is 571-272-2128. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



AS

**William Perkey**  
**Primary Examiner**